THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.22885 of 2006

Dated:22.03.2007

Between:

T.V.Satyanarayana.

.....PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Chief Secretary to Government of A.P., Secretariat, Hyderabad and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 22885 of 2006

O R D E R:

The petitioner joined respondent No.2 Legislature Department by transfer as English Reporter in the year 1967. Subsequently, the petitioner was given the benefit of special grade, special promotion post-I and special promotion post-II in the years 1981, 1982 and 1989 respectively. The petitioner states had the respondents implemented pre-1979 Rules, he would have been promoted as Secretary in the year 1996, consequent upon the retirement of one Sri A.V.G. Krishna Murthy. He submits that the respondents framed special rules vide G.O.Ms.No.82, Legislature (OPI), dated 04.09.1979, and as the same were advantageous to Section Officers and disadvantageous to Reporters, particularly law qualified Reporters, the same were challenged and ultimately the Supreme Court dismissed the appeal filed by the respondents, vide order dated 15.02.1995. The petitioner states that since G.O. Ms. No. 82, dated 04.09.1979, was quashed by the Supreme Court and the rules framed by the respondents in the year 1953 were in existence, he was entitled to be promoted in accordance with the said rules, and the action of the respondents in promoting him based on the rules framed in 1979 is illegal and arbitrary. He further submits that under Article 187 of the Constitution of India, there shall be separate Secretariat staff for each legislature and the legislature of the State may by law regulate the recruitment and conditions of service, and no law having been passed by the legislature to regulate recruitment and

conditions of service, the petitioner seeks a direction to the Secretary, A.P. Legislature to take steps to frame and enact law as provided under Article 187(2) of the Constitution of India.

Head the learned counsel for the petitioner and the learned Government Pleader for General Administration.

The petitioner is aged about 62 years now. Though in the cause title to the writ petition, he identifies himself as Retired Joint Secretary, but in the affidavit filed in support of the writ petition, he has not stated as to when he retired from service as Joint Secretary. Admittedly, the petitioner is no more in service of the Legislative Department. He must have retired from service on attaining the age of superannuation. Though the petitioner contends that he was entitled to be promoted in accordance with pre-1979 Rules to the different post to which he was promoted, the fact remains, he has not agitated this plea while he was in service. The petitioner instead of filing the writ petition after his retirement from service, ought to have raised the pleas, which he raised in the present writ petition, at least immediately after the Hon'ble Supreme Court quashed the 1982 Rules. The petitioner having not agitated his grievance while he was in service, cannot be permitted to agitate his grievance after his retirement from service by filing the present writ petition. In that view of the matter, neither any relief as prayed for by the petitioner can be granted nor any direction can be given to the respondents to frame Rules in accordance with the provisions of Article 187 of the Constitution of India, and more so when the petitioner not being in service, would in no way be benefited, if the respondents frame the Rules.

The Writ Petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V.RAMANA, J

Dated: 22.03.2007
Sj/Ksr